

E-Filed on: 3/21/11

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff/Respondent,
v.
JOSE IGNACIO ORDAZ-CABRERA,
Defendant/Movant.

Case No. CR-09-00258-RMW
(Related to C-10-00633-RMW)
ORDER DENYING CERTIFICATE OF
APPEALABILITY
[Docket # 28]

On August 2, 2010 the court summarily denied Ordaz-Cabrera's motion under 28 U.S.C. § 2255. The court neglected to rule on whether he was entitled to a certificate of appealability as required by Rule 11(a) of the Rules Governing Section 2255. The court does so now and denies a certificate. Movant has failed to make a substantial showing that he was denied his constitutional rights or that a reasonable jurist would find the denial of his claim debatable or wrong. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Consequently, no certificate of appealability is warranted in this case.

This order moots movant's request to proceed in *forma pauperis* and be provided with various court filings.

DATED: 3/21/11



RONALD M. WHYTE
United States District Judge

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Copy of Order E-filed to Counsel and Mailed:

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